



727OBJ, IFP, APPEAL

**U.S. Bankruptcy Court
Eastern District of Pennsylvania (Philadelphia)
Bankruptcy Petition #: 16-16269-amc**

17 0408

Assigned to: Judge Ashely M. Chan
Chapter 7
Voluntary
No asset

Date filed: 09/07/2016
341 meeting: 10/11/2016
Deadline for filing claims (govt.): 03/06/2017
Deadline for objecting to discharge: 12/05/2016
Deadline for financial mgmt. course: 12/05/2016

FILED**JAN 30 2017**

KATE BARKMAN, Clerk
By _____ **Dep. Clerk**

Debtor

Evelyn Rivera
10814 Modena Ter
Philadelphia, PA 19154
PHILADELPHIA-PA
SSN / ITIN: xxx-xx-2232

represented by **JENNIFER SCHULTZ**

Community Legal Services
North Philadelphia Law
Center
1410 W. Erie Avenue
Philadelphia, PA 19140-4111
215 227-2400x2420
Fax : 215 227-2435
Email: jschultz@clsphila.org

Trustee

GARY F. SEITZ
Gellert Scali Busenkell & Brown LLC
The Curtis Center
601 Walnut Street
Suite 280 South
Philadelphia, PA 19106
215-238-0011

represented by **GARY F. SEITZ**

Gellert Scali Busenkell &
Brown LLC
The Curtis Center
601 Walnut Street
Suite 280 South
Philadelphia, PA 19106
215-238-0011
Fax : 215-238-0016
Email: gseitz@gsbblaw.com

U.S. Trustee

United States Trustee
Office of the U.S. Trustee
833 Chestnut Street
Suite 500
Philadelphia, PA 19107
(215) 597-4411

Filing Date	#	Docket Text
-------------	---	-------------

09/07/2016	● <u>1</u>	Chapter 7 Voluntary Petition for Individual . IFP waived Filed by Evelyn Rivera. Government Proof of Claim Deadline: 03/6/2017.Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Due09/21/2016 Schedule C due 09/21/2016. Schedule D due 09/21/2016. Schedule E/F due 09/21/2016. Schedule G due 09/21/2016. Schedule H due 09/21/2016. Statement of Financial Affairs due 09/21/2016. Summary of Assets and Liabilities Form B106 due 09/21/2016. Means Test Calculation Form 122A-2 Due: 9/21/2016.. Incomplete Filings due by 09/21/2016. (SCHULTZ, JENNIFER) Modified on 9/8/2016 (G., Jennifer). (Entered: 09/07/2016)
09/07/2016	● <u>2</u>	Matrix Filed. Number of pages filed: 9, Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/07/2016)
09/07/2016	● <u>3</u>	Statement of Social Security Number Received. Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/07/2016)
09/07/2016	● <u>4</u>	Application to Have the Chapter 7 Filing Fee Waived, to Proceed In Forma Pauperis Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (SCHULTZ, JENNIFER) (Entered: 09/07/2016)
09/07/2016	● <u>5</u>	Certificate of Credit Counseling Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/07/2016)
09/08/2016	● <u>6</u>	Notice of Appointment of Trustee . GARY F. SEITZ added to the case.. (MILLER, NANCY) (Entered: 09/08/2016)
09/08/2016	● <u>7</u>	Order Entered the debtor having failed to file or submit with the petition all of the documents required by Fed. R. Bankr.P.1007, It is hereby ORDERED that this case MAY BE DISMISSED WITHOUT FURTHER NOTICE if the documents listed are not filed by deadlines listed: Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Due09/21/2016 Schedule C due 09/21/2016. Schedule D due 09/21/2016. Schedule E/F due 09/21/2016. Schedule G due 09/21/2016. Schedule H due 09/21/2016. Statement of Financial Affairs due 09/21/2016. Summary of Assets and Liabilities Form B106 due 09/21/2016. Means Test Calculation Form 122A-2 Due:

		9/21/2016. Any request for an extension of time must be filed prior to the expiration of the deadlines listed. (G., Jennifer) (Entered: 09/08/2016)
09/10/2016	● <u>8</u>	BNC Certificate of Mailing - Voluntary Petition. Number of Notices Mailed: (related document(s) (Related Doc # <u>7</u>)). No. of Notices: 1. Notice Date 09/10/2016. (Admin.) (Entered: 09/11/2016)
09/11/2016	● <u>9</u>	Notice of Appearance and Request for Notice Filed by Synchrony Bank. (SINGH, RAMESH) (Entered: 09/11/2016)
09/12/2016	● <u>10</u>	Adversary case 16-00301. Complaint by John J. Lynch against Evelyn Rivera , BANK OF AMERICA , Bayshore Loan Servicing , KML Group, Inc. . Fee Amount \$0.00 . (Attachments: # <u>1</u> Adversary Coversheet # <u>2</u> Certificate of Service) (21 (Validity, priority or extent of lien or other interest in property)) ,(31 (Approval of sale of property of estate and of a co-owner - 363(h))) ,(41 (Objection / revocation of discharge - 727(c),(d),(e))) ,(68 (Dischargeability - 523(a)(6), willful and malicious injury)) ,(91 (Declaratory judgment)) (G., Jennifer) (Entered: 09/12/2016)
09/12/2016	● <u>11</u>	Meeting of Creditors . 341(a) meeting to be held on 10/6/2016 at 10:00 AM at 833 Chestnut Street, Suite 501, Philadelphia, PA. Financial Management Course Certificate Due: 12/5/2016. Last day to oppose discharge or dischargeability is 12/5/2016. (P., Cathy) (Entered: 09/12/2016)
09/13/2016	● <u>12</u>	Notice of Appearance and Request for Notice by CELINE P. DERKRIKORIAN Filed by CELINE P. DERKRIKORIAN on behalf of Bayview Loan Servicing, LLC, A Delaware Limited Liability Company. (Attachments: # <u>1</u> Certificate of Service) (DERKRIKORIAN, CELINE) (Entered: 09/13/2016)
09/14/2016	● <u>13</u>	BNC Certificate of Mailing - Meeting of Creditors. Number of Notices Mailed: (related document(s) (Related Doc # <u>11</u>)). No. of Notices: 51. Notice Date 09/14/2016. (Admin.) (Entered: 09/15/2016)
09/16/2016	● <u>14</u>	Continued Meeting of Creditors. 341(a) meeting to be held on 10/11/2016 at 10:00 AM at U.S. Bankruptcy Court Mediation Room Four, 900 Market Street, Room No. 236, Philadelphia. Financial Management Course Certificate Due: 12/5/2016. Last

		day to oppose discharge or dischargeability is 12/5/2016. (H., Lisa) (Entered: 09/16/2016)
09/18/2016	● <u>15</u>	BNC Certificate of Mailing - Meeting of Creditors. Number of Notices Mailed: (related document(s) (Related Doc # <u>14</u>)). No. of Notices: 52. Notice Date 09/18/2016. (Admin.) (Entered: 09/19/2016)
09/20/2016	● <u>16</u>	Chapter 7 Statement of Your Current Monthly Income Form 122A-1 Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016)
09/20/2016	● <u>17</u>	Statement of Financial Affairs for Individual Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016)
09/20/2016	● <u>18</u>	Schedules A/B - J <i>Deficiencies only C - H</i> Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016)
09/20/2016	● <u>19</u>	Summary of Assets and Liabilities and Certain Statistical Information Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/20/2016)
09/21/2016	● <u>20</u>	Statement of Intent. Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 09/21/2016)
10/06/2016	●	Meeting of Creditors Held and Concluded on: 10/6/2016. (SEITZ, GARY) (Entered: 10/06/2016)
10/07/2016	● <u>21</u>	Praeipce to Withdraw <i>Meeting Held and Concluded Notice</i> Filed by GARY F. SEITZ on behalf of GARY F. SEITZ (related document(s)). (SEITZ, GARY) (Entered: 10/07/2016)
10/11/2016	●	Meeting of Creditors Held and Concluded on: 10/11/2016. (SEITZ, GARY) (Entered: 10/11/2016)
10/11/2016	●	Chapter 7 Trustee's Report of No Distribution: having been appointed trustee of the estate of the above-named debtor(s), report that I have neither received any property nor paid any money on account of this estate; that I have made a diligent inquiry into the financial affairs of the debtor(s) and the location of the property belonging to the estate; and that there is no

		property available for distribution from the estate over and above that exempted by law. Pursuant to Fed R Bank P 5009, I hereby certify that the estate of the above-named debtor(s) has been fully administered. I request that I be discharged from any further duties as trustee. Key information about this case as reported in schedules filed by the debtor(s) or otherwise found in the case record: This case was pending for 1 months. Assets Abandoned (without deducting any secured claims): \$ 195571.00, Assets Exempt: \$ 18900.00, Claims Scheduled: \$ 442147.81, Claims Asserted: Not Applicable, Claims scheduled to be discharged without payment (without deducting the value of collateral or debts excepted from discharge): \$ 442147.81. Filed by GARY F. SEITZ. (SEITZ, GARY) (Entered: 10/11/2016)
12/01/2016	●	Disposition of Adversary 2:16-ap-301 dismissed (related document(s) <u>5</u> , <u>1</u>). (D., Stacey) (Entered: 12/01/2016)
12/05/2016	● <u>22</u>	Debtor Education Financial Management Course Certificate Filed for Debtor. Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera. (SCHULTZ, JENNIFER) (Entered: 12/05/2016)
12/06/2016	● <u>23</u>	Motion to Avoid Lien with John Lynch Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # <u>1</u> Proposed Order # <u>2</u> Service List # <u>3</u> Exhibit Ex A # <u>4</u> Exhibit Ex B # <u>5</u> Exhibit Ex C) (SCHULTZ, JENNIFER) (Entered: 12/06/2016)
12/06/2016	● <u>24</u>	Notice of (related document(s): <u>23</u> Motion to Avoid Lien with John Lynch) Filed by Evelyn Rivera. Hearing scheduled 1/4/2017 at 11:00 AM at nix5 - Courtroom #5. (SCHULTZ, JENNIFER) (Entered: 12/06/2016)
12/06/2016	● <u>25</u>	Certificate of Service Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>24</u> , <u>23</u>). (SCHULTZ, JENNIFER) (Entered: 12/06/2016)
12/14/2016	● <u>26</u>	Order Granting Application to Have the Chapter 7 Filing Fee Waived, To Proceed in forma pauperis (Related Doc # <u>4</u>) (D., Stacey) (Entered: 12/14/2016)
12/16/2016	● <u>27</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>26</u>)). No. of Notices: 1. Notice Date 12/16/2016. (Admin.) (Entered: 12/17/2016)

12/20/2016	● <u>28</u>	(Letter) Response to Motion to Avoid Lien filed by Debtor Evelyn Rivera Filed by John Lynch (related document(s) <u>23</u>). (D., Stacey) (Entered: 12/20/2016)
12/30/2016	● <u>29</u>	Proposed Order Re: Filed by JENNIFER SCHULTZ on behalf of Evelyn Rivera (related document(s) <u>23</u>). (SCHULTZ, JENNIFER) (Entered: 12/30/2016)
01/04/2017	● <u>30</u>	Hearing Held on <u>23</u> Motion to Avoid Lien with John Lynch Filed by Evelyn Rivera Represented by JENNIFER SCHULTZ (Counsel). (Attachments: # 1 Proposed Order # 2 Service List # 3 Exhibit Ex A # 4 Exhibit Ex B # 5 Exhibit Ex C) filed by Debtor Evelyn Rivera (related document(s), <u>23</u>). Order entered. (D., Stacey) (Entered: 01/04/2017)
01/04/2017	● <u>31</u>	Order Granting Motion To Avoid Lien with John Lynch. (Related Doc # <u>23</u>) (D., Stacey) (Entered: 01/05/2017)
01/07/2017	● <u>32</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>31</u>)). No. of Notices: 1. Notice Date 01/07/2017. (Admin.) (Entered: 01/08/2017)
01/13/2017	● <u>33</u>	BNC Certificate of Mailing - PDF Document. (related document(s) (Related Doc # <u>31</u>)). No. of Notices: 3. Notice Date 01/13/2017. (Admin.) (Entered: 01/14/2017)
01/25/2017	● <u>34</u>	Notice of Appeal to District Court. . Receipt Number 0, Fee Amount \$0 Filed by John Lynch (related document(s) <u>31</u>). Appellant Designation due by 2/8/2017. Transmission of record on appeal to District Court Due Date:2/22/2017. CC: Judge Chan, District Court, U.S. Trustee, Jennifer Schultz, Gary Seitz, John J. Lynch (1-26-17)(D., Stacey) . (Entered: 01/26/2017)
01/25/2017	● <u>36</u>	Petition to Proceed In Forma Pauperis on Notice of Appeal Filed by John Lynch . (D., Stacey) (Entered: 01/26/2017)
01/25/2017	● <u>37</u>	Motion/Petition to Consolidate for Appeal Filed by John Lynch Represented by Self(Counsel). (D., Stacey) (Entered: 01/26/2017)
01/26/2017	● <u>35</u>	Courts Certificate of mailing : CC; Judge Chan, U.S. District Court, U.S. Trustee, Jennifer Schultz, Gary Seitz, John J. Lynch (1-26-17) (related document(s) <u>34</u>). (D., Stacey) (Entered: 01/26/2017)

1-27-17
Salvatore

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
ROBERT N.C. NIX BUILDING
900 MARKET STREET
SUITE 400
PHILADELPHIA 19107-4299

GEKP

Timothy B. McGrath
Clerk

Telephone
(215) 408-2800

January 27, 2017

Re: Evelyn Rivera
Bankruptcy No.: 16-16269AMC
Civil Action No.

Dear Mary C. Barkman, Clerk of Court:

17 0408

We herewith transmit the following document(s) filed in the above matter(s), together with a certified copy of the docket entries:

(X) Certificate of appeal from order entered January 5, 2017 and Dated January 4, 2017 by the Honorable Ashely M. Chan.

Notice of appeal filing fee ()paid (X)not paid

() Designation of Record on Appeal Filed

() Designation of Record on Appeal Not Filed

() Supplemental certificate of appeal.

() Motion for leave to appeal filed .

() Answer to motion filed .

() Proposed findings of fact and conclusions of law entered by the Honorable .

() Objections filed .

() Report and recommendation entered by the Honorable .

() Objections filed .

() Original record transferred to the District Court pursuant to the order of the Honorable .

() Other:

Kindly acknowledge receipt on the copy of the letter provided.

For the Court

Timothy B. McGrath
Clerk

By: [Signature]
Deputy Clerk

#40

Received Above material or record file this 30th day of January, 2017.

Civil Action No. 17 0408

Signature: Steve Thomas

Miscellaneous No.

Date: JAN 30 2017

Assigned to Judge Pratter

JAN 30 2017

In the United States Bankruptcy Court
for the Eastern District of Pennsylvania

In Re: Evelyn Rivera | Bankruptcy No. # 16-16269-2016

John J. Lynch

✓

Evelyn Rivera

adversary Complaint No. # 1600301

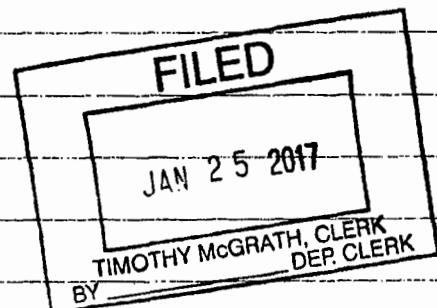
2016

Notice of Appeal for
1-4-17 order

Notice is hereby given that John J. Lynch creditor /
and adversary Complainant hereby appeals the order of
the Court in the above referenced "Bankruptcy" to
the United States District Court for the Eastern
District of Penna.

John J. Lynch
1-18-17

cc: Judge Chan
U.S. District Court
U.S. Trustee
Jennifer Schultz
Gary Seitz
John J. Lynch.
1-26-17





**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

17-cv-0408
17 0408

**DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.
BANKRUPTCY RECORD ON APPEAL**

Address of Plaintiff: IN RE: 10814 Modena Terrace
Phila, PA 19154 County: _____
 Post office: _____ County: _____
 Address of Defendant: _____
 Post office: _____ County: _____
 Place of incident, or transaction: _____
 Post office: _____ County: _____

(Use Reverse Side for Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: 17cv 312 Judge: Pratter Date Terminated: _____

Civil cases are deemed related when yes in answered to any of the following questions:

- 1.) Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
- 2.) Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
- 3.) Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☐

CIVIL: (Place (X) in ONE CATEGORY ONLY)

A. Federal Question Cases

- 1.) ☐ Indemnity Contract, Marine Contract, and all Other Contracts
- 2.) ☐ FELA
- 3.) ☐ Jones Act-Personal Injury
- 4.) ☐ Antitrust
- 5.) ☐ Patent
- 6.) ☐ Labor-Management Relations
- 7.) ☐ Civil Rights
- 8.) ☐ Habeas Corpus
- 9.) ☐ Securities Act(s) Cases
- 10.) ☐ Social Security Review Cases (Please Specify)
- 11.) ☒ All other Federal Question Cases (Please specify)
Bankruptcy Appeal

B. Diversity Jurisdiction Cases:

- 1.) ☐ Insurance Contract and Other Contracts
- 2.) ☐ Airplane Personal Injury
- 3.) ☐ Assault, Defamation
- 4.) ☐ Marine Personal Injury
- 5.) ☐ Motor Vehicle Personal Injury
- 6.) ☐ Other Personal Injury (Please specify)
- 7.) ☐ Products Liability
- 8.) ☐ Products Liability - Asbestos
- 9.) ☐ All other Diversity Cases (Please Specify)

ARBITRATION CERTIFICATION

I, _____, counsel of record do hereby certify pursuant to Local Civil Rule 8, Section 4(a)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.

Date

Deputy Clerk

☒ BANKRUPTCY APPEAL

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

Date

Deputy Clerk

JAN 30 2017

GEKP**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA****CASE MANAGEMENT TRACK DESIGNATION FORM**

v.

CIVIL ACTION

17 0408

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

1/30/17
Date

Steve Thomas
Attorney-at-law

Deputy Clerk
Attorney for

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

JAN 30 2017

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.